

(Translation)

Minutes of the 8th Meeting of
Social Welfare Committee (1/25-26)

Date : 23 April 2025
Time : 2:30 p.m.
Venue : Main Conference Room, Tsuen Wan District Office

Present:

Mr CHU Tak-wing, MH (Chairman)
Ms LAM Yuen-pun (Vice Chairlady)
Ms WONG Shuk-fan, Luparker
Mr KOO Yeung-pong, MH
Mr NG Chun-yu
Mr CHOW Sum-ming
Ms CHEUNG Man-ka
Mr CHAN Chun-chung
Ms CHAN Shun-shun
Mr MOK Yuen-kwan
Mr TSANG Tai
Mr FUNG Cheuk-sum
Ms WAH Mei-ling
Mr WONG Kai-chun
Mr KOT Siu-yuen, MH
Mr CHENG Chit-pun
Mr LAU Chung-kong
Mr CHAN Shing-jee

Government Representatives

Mr KWAN Chun-kit, Eric	Assistant District Officer (Tsuen Wan), Tsuen Wan District Office
Miss CHAN Shuk-ying	Assistant District Social Welfare Officer (Tsuen Wan/Kwai Tsing)3, Social Welfare Department
Ms CHEUNG Mei-yee	Social Work Officer 1 (Planning & Coordinating), Social Welfare Department

Tsuen Wan District Council Secretariat Representatives

Miss LEUNG Wai-ching, Clementine (Secretary)	Executive Officer (District Council)1, Tsuen Wan District Office
Ms LEUNG Tsz-wai, Apple	Executive Officer I (District Council), Tsuen Wan District Office
Miss WONG Yuen-chee, Connie	Executive Assistant (Community

In Attendance:

For discussion of item 3

Ms CHUNG Wing-yee

Officer-in-charge, Special Needs Trust
Office, Social Welfare Department

Mr WONG Ka-shing, Kenson

Trust Account Manager, Special Needs
Trust Office, Social Welfare Department

I Opening Remarks and Introduction

The Chairman welcomed Members and representatives from government departments to the 8th meeting of the Social Welfare Committee (SWC).

2. The Chairman said that no Member had submitted an application for absence from this meeting.

3. The Chairman stated that according to the requirements stipulated in the Tsuen Wan District Council Standing Orders, if a District Council (DC) Member found that he/she had any direct personal or pecuniary interests in a discussion item or relevant matters when attending a meeting of the Council or dealing with matters related to the Council, the DC Member should declare the interests. The Secretariat had not received any declaration of interests prior to this meeting. The Chairman enquired whether Members had to make declarations of interests immediately. No Member made a declaration of interests immediately.

II Item 1: Confirmation of Minutes of the 7th Meeting held on 20.2.2025

4. The Chairman said that the Secretariat had not received any proposed amendment prior to this meeting. The Chairman enquired whether Members had to put forth proposed amendments immediately. No Member put forth a proposed amendment immediately. Members unanimously endorsed the captioned minutes.

III Item 2: Matters Arising from the Minutes of the Previous Meetings

5. The Chairman said that there were no matters arising from the minutes of the previous meeting.

IV Item 3: Briefing on the Special Needs Trust

(TWDC SWC Paper No. 1/25-26)

6. The Chairman said that the Social Welfare Department (SWD) submitted the paper. The representatives from the department attending the meeting were:

- (1) Miss CHAN Shuk-ying, Assistant District Social Welfare Officer (Tsuen Wan/Kwai Tsing)³ (ADSWO(TW/KwT)³), SWD;
- (2) Ms CHEUNG Mei-yee, Social Work Officer 1 (Planning & Coordinating), SWD;
- (3) Ms CHUNG Wing-yee, Officer-in-charge (Oic), Special Needs Trust Office (SNTO), SWD; and
- (4) Mr WONG Ka-shing, Kenson, Trust Account Manager, SNTO, SWD.

7. ADSWO(TW/KwT)3 of the SWD introduced the paper. Oic of the SNT0 under the SWD introduced the Special Needs Trust (SNT) service and played a service introduction video.

8. The views and enquiries of Members were summarised as follows:

- (1) a Member enquired about the number of cases that had successfully applied for the SNT service so far. Moreover, the Member was concerned about the follow-up actions that the SWD would take on the beneficiary (i.e. person with special needs) if the funds in the trust account were exhausted and, conversely, how the remaining funds would be handled in the event that the beneficiary had passed away;
- (2) a Member suggested that the amount of the First Payment and the annual fee should be determined based on the living standard and Consumer Price Indices;
- (3) a Member enquired whether the funds in the trust account would include insurance proceeds in addition to cash;
- (4) a Member enquired whether the annual fee for the SNT service would be adjusted for inflation; and
- (5) a Member enquired whether the SWD would provide the beneficiary with assistance if litigation regarding the estate of the settlor (i.e. the parent or relative) was initiated after the settlor had passed away.

9. Oic of the SNT0 under the SWD gave a consolidated response as follows:

As of 31 December 2024, the SNT0 had received a total of 88 applications, among which 18 cases had already established a SNT and set up a trust account.

When setting up a trust account, the settlor was required to transfer a specified amount of fund (i.e. the “First Payment”) to the trustee (i.e. the SWD). The settlor should also make a will through a lawyer to specify the arrangement for transferring funds to the trust account after his/her passing (i.e. the “Further Payment”), which would be executed by the executor of the will. There was no minimum amount for Further Payment. The trust account only accepted cash injections in Hong Kong dollars and would not manage other forms of assets. Given the variety of insurance products in the market and differing administrative procedures for claims among insurance companies, if the settlor considered contributing insurance proceeds (such as proceeds from the life insurance after the settlor passed away in the future) to the trust account, the settlor should discuss whether it was feasible and make arrangements with the insurance company on his/her own. After the decease of the settlor, the trust account might receive cash donations in Hong Kong dollars. Such funds would be deemed as “donations”. The donor was required to sign an acknowledgment confirming that he/she had no right to amend the care plan agreed upon by both the settlor and trustee for the beneficiary.

According to the established mechanism, the amount of the First Payment (whichever was higher) should be no less than: (i) the estimated expenses for the continuous implementation of the care plan for 12 months plus the prevailing annual trustee fee for the first year; or (ii) the financial limit of the monthly living expenses for a mentally incapacitated person set by the Guardianship Board for 12 months plus the prevailing annual trustee fee for the first year. For example, the financial limit of monthly living expenses set by the Guardianship Board was \$20,000 at present. The minimum amount of the First Payment would be \$260,000 (i.e. 12 months of living expenses plus the prevailing annual trustee fee of \$20,000 for the first year). The trustee would not charge the annual fee before the trust account was activated. For each activated trust account, the trustee charged a uniform annual fee, which would be adjusted on 1 October every year based on changes in relevant expenses (fund management and administrative costs).

Following the establishment of the trust account, the trustee would regularly review the beneficiary's care plan and financial needs with the settlor. If there were changes to the beneficiary's condition (such as health condition), the settlor might revise or update the letter of intent, care plan and expenditure budget. Considering inflation, the trustee might request the settlor to increase the funding amount after the trust account was established (but not yet activated).

If the trustee had been informed of the settlor's passing, the trustee would activate the trust account. In accordance with the instructions laid down in the trust deed and letter of intent that the settlor had signed with the trustee when the settlor was alive, the trustee would regularly disburse funds to the carer specified by the settlor to execute the care plan established by the settlor for the beneficiary in advance. If no Further Payment had been received, the trustee would use the First Payment to effect the implementation of the care plan by the carer. The trustee would continuously review the execution of the care plan and financial needs of the beneficiary. During such reviews, the trustee had the authority to adjust the care plan and the monthly expenses based on factors related to the long-term interests of the beneficiary, including changes in health condition as well as living needs of the beneficiary and inflation, to ensure alignment with the beneficiary's best interests. The trustee would also be entitled to be paid or reimbursed out of the trust fund for all reasonable and appropriate fees and charges (including fees charged by any legal or other professional advisors assisting the trustee) incurred directly or indirectly in respect of the exercise of duties and powers under the trust deed.

Once the funds in the trust account were exhausted, the trust account would be terminated. Before the funds in the trust account were exhausted, the trustee would explore whether the trust account would receive additional

funds (from the estate or “donations”). Taking into account the actual circumstances and needs of the beneficiary, the trustee would refer the beneficiary to apply for suitable welfare services (such as the Comprehensive Social Security Assistance (CSSA)) as and when appropriate.

Under the established mechanism, if the beneficiary passed away intestate after the trust account had been activated, the remaining funds in the trust account would be handled according to the prevailing legislations on estate. The SWD understood the concerns of parents/relatives of persons with special needs and relevant stakeholders on the aforesaid situation, and had all along been maintaining communication with them in various forms, actively listening to their feedback. The SWD would continue to review the implementation of the SNT and enhance the service in a timely manner.

10. The views and enquiries of Members were further summarised as follows:
 - (1) a Member enquired of the SWD about the publicity campaigns that had been organised to promote the service concerned;
 - (2) a Member pointed out that the First Payment might pose a financial burden on some members of the public, thus the Member hoped that the SWD would consider lowering the amount of the First Payment;
 - (3) a Member enquired whether the SWD would estimate the duration for which the funds in the trust account could be used by the beneficiary; and
 - (4) a Member enquired whether the beneficiary could receive care funded by the SNT and apply for other social welfare at the same time.

11. Oic of the SNTTO under the SWD responded as follows:
 - (1) the SWD had all along been actively organising briefing sessions, talks and workshops on the service for parents/relatives of persons with special needs and relevant stakeholders. It had also set up a thematic webpage about the SNT on its website so as to assist relevant parties in learning about the details with the use of multi-media. In addition, the SWD had proactively visited parent self-help groups, Parents/Relatives Resource Centres, rehabilitation service units (such as District Support Centres, hostels for mentally handicapped persons), special schools and relevant district organisations/groups. In the meantime, it had organised poster design competitions as well as attended radio programmes, large-scale community activities and social service forums to introduce and promote the SNT. Moreover, the SWD had produced various types of publicity materials to increase the public’s knowledge and understanding of the SNT;
 - (2) the SWD would continuously review the implementation of the SNT, including the amount of the First Payment, and would enhance relevant arrangements in a timely manner. Oic of the SNTTO under the SWD noted Members’ views and would relay them to the headquarters;
 - (3) the amount of the First Payment included the estimated living expenses of the beneficiary for 12 months. When no Further Payment had been received, the trustee would use the First Payment to effect the

implementation of the care plan by the carer. Once the funds in the trust account were exhausted, the trust account would be terminated. Upon activation of the trust account, the trustee would continuously review the execution of the care plan and financial needs of the beneficiary. Based on factors related to the long-term interests of the beneficiary, including changes in health conditions as well as living needs of the beneficiary and inflation, the trustee had the authority to adjust the care plan and the monthly expenses to ensure alignment with the beneficiary's best interests. Such adjustment might shorten or extend the period during which the funds in the trust account were available for use by the beneficiary; and

- (4) the funds held in the trust account for the beneficiary were considered as the asset of the beneficiary (including "donations"), regardless of whether the settlor was alive or deceased. If the beneficiary applied for non-means-tested social welfare (such as the disability allowance and subsidised residential care services for persons with disabilities), the funds in the trust account would not affect the beneficiary's eligibility for such applications. As for the CSSA Scheme, the beneficiary should meet the relevant eligibility criteria, including passing the assets and income tests.

12. The views and enquiries of Members were further summarised as follows:

- (1) a Member enquired whether the carer would be equivalent to the guardian of the beneficiary upon the decease of the settlor. The Member also enquired who would be responsible for making medical or other major life decisions for the beneficiary;
- (2) a Member suggested that the SWD should consider lowering the annual fee of the SNT service and adopting a more diversified investment portfolio (such as purchasing government bonds) in the future, with a view to enhancing returns and coping with inflation;
- (3) a Member proposed studying, from a legal perspective, whether the insurance proceeds designated for the beneficiary could be directed to the associated trust account after the passing of the settlor; and
- (4) a Member enquired about the total amount of funds for the 18 cases under the SNT service at present.

13. Oic of the SNTTO under the SWD responded as follows:

- (1) there could only be one settlor (i.e. the parent/relative of the beneficiary) under the SNT, the carer could be another parent/relative of the beneficiary. Considering the unique family circumstances in each case, it was difficult to make a broad conclusion about whether the carer would assume the role of guardian for the beneficiary upon the passing of the settlor. As regards some major decisions (such as medical decisions) concerning the beneficiary, the carer should consider them in alignment with the best interests of the beneficiary. Carers who wished to become the legal guardian should submit applications to the court on their own;
- (2) the trustee charged a uniform annual fee for each activated trust account. Such annual fee should be adjusted annually based on changes in relevant

expenses (fund management and administrative costs). Regarding the investment of the SNT, the SWD had already set up the Investment Working Group to Advise the Director of Social Welfare on Investment Matters Relating to the Special Needs Trust. The trustee would pool funds from different trust accounts for investment purposes, with the investment strategy and portfolio primarily aimed at preserving capital and exercising prudence;

- (3) (please refer to paragraph 9); and
- (4) as of 31 December 2024, the balance of the funds under the SNT service was approximately \$9.12 million.

14. A Member pointed out that the parents of the beneficiary should have passed away when the trust account was activated. The Member therefore enquired how the SWD would handle the matter of guardianship.

15. Oic of the SNTTO under the SWD said that the SNTTO was dedicated to handle matters directly related to the SNT. If the beneficiary/family member of the settlor/carer was an existing case of other case service units and had welfare needs beyond the SNT, the social worker responsible for the case concerned would follow up and make timely referrals/provide the necessary welfare services. If the beneficiary was not an existing case of other case service units, the SNTTO would refer the beneficiary to suitable case service unit or welfare unit (such as the Integrated Family Service Centre) to follow up on his/her welfare needs beyond the SNT.

16. The Chairman said that the SNT was a gift from parents to their children with special needs. The application threshold for the service was not high. The executor of the will would handle the assets of the settlor (such as properties or insurance) according to the settlor's will for making Further Payment to the SNT account. The Chairman held that there was still room for improvement in the service concerned. Members could continue to put forth views to the Government in the future.

V Item 4: Discussion on the Medical Service Needs of Residents with Mobility Difficulties (such as Persons with Disabilities and Elderly Persons) Living in Remote Area

(TWDC SWC Paper No. 2/25-26)

17. The Chairman said that Mr CHAN Chun-chung, Mr WONG Kai-chun, Mr FUNG Cheuk-sum, Ms CHAN Shun-shun and Mr LAU Chung-kong submitted the paper. The written reply of the Kowloon West Cluster of the Hospital Authority (HA) was tabled at the meeting.

18. Mr CHAN Chun-chung, Mr WONG Kai-chun and Ms CHAN Shun-shun introduced the paper.

19. The views and enquiries of Members were summarised as follows:

- (1) a Member opined that the application of relevant technologies (including the provision of Chinese and Western medical consultation services through

video conferencing and the use of drones to deliver medicine, etc.) would enhance the flexibility of consultation time and ease the pressure of outpatient services. It was also a manifestation of new quality productive forces; and

- (2) a Member pointed out that some elderly persons or persons with disabilities lived in remote areas lacking medical centres or clinics. Whenever residents fell sick or got injured, they had to travel a long distance to seek medical consultation elsewhere, which would also increase the risks of disease transmission and injuries along the way. Taking Cheung Shan Estate as an example, since the closure of the only medical centre in the estate in 2024, there had not been any medical centres or clinics providing healthcare services to the residents in the estate. As a result, mobility impaired residents such as elderly persons and persons with disabilities had to seek medical consultation at other places.

20. The Chairman said that although Mrs Wu York Yu General Outpatient Clinic, Lady Trench General Outpatient Clinic and Yan Chai Hospital General Practice Clinic were situated near Cheung Shan Estate, the most pressing issues were the lack of adequate ancillary transport facilities and escorting services for medical consultations. He suggested that the Government should consider funding the relevant expenses for the grassroots, elderly persons and persons with disabilities living in remote areas. The Chairman asked the Secretariat to convey Members' suggestions to the Labour and Welfare Bureau (LWB), Department of Health (DH) and HA for consideration.

(Post-meeting note: The Secretariat conveyed Members' views to the LWB, DH and HA via email on 27 May 2025.)

VI Item 5: Any Other Business

21. The Chairman said that the Hong Kong Joint Council for People with Disabilities had invited Members to join the Organising Committee for International Day of Persons with Disabilities and take part in the preparatory work for the International Day of Persons with Disabilities 2025. The Chairman suggested appointing Mr MOK Yuen-kwan as a representative to serve on the aforesaid organising committee, and had already submitted the name of the nominee to the Chairman of the Tsuen Wan District Council.

VII Adjournment of Meeting

22. The Chairman reminded Members that the next meeting was scheduled for 25 June 2025 (Wednesday) and the deadline for submission of papers was 10 June 2025 (Tuesday).

Tsuen Wan District Council Secretariat
20 May 2025